



# **San Diego City Attorney MICHAEL J. AGUIRRE**

## **NEWS RELEASE**

**FOR IMMEDIATE RELEASE: August 8, 2008**

**Contact: Communications Division (619) 235-5725**

### **CITY ATTORNEY FILES CIVIL DAMAGES CLAIM AGAINST HANDLER OF POLICE DOG WHO DIED OF HEAT STROKE**

**San Diego, CA**—A civil complaint for damages was filed today by the San Diego City Attorney's Office against a San Diego Police Canine Unit Officer whose police dog died of heat stroke while under his care. Forrest, a Belgian Malinois was under the control and custody of Police Officer Paul Hubka.

"As a result of the death of Forrest and the loss of his services as a San Diego Police Department canine officer, Officer Hubka should be required to pay to replace Forrest and the cost to train another police dog," said City Attorney Michael Aguirre.

The civil complaint cites a violation of California Penal Code Section 597.7, which states that "no person shall leave or confine an animal in any unattended motor vehicle under conditions that endanger the health or well-being of an animal due to heat, cold, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal."

The complaint seeks damages exceeding \$25,000.

"Since 9-11 police dogs have become hard to replace because of the high demand for them worldwide," said Executive Assistant City Attorney Don McGrath.

#### **According to the complaint,**

**SDPD canine unit policy requires, among other things, that canine unit officers such as Hubka take their dogs home with them when off duty to allow for bonding between the officer and the dog and to allow for ongoing training, and officers such as Hubka are expected to provide their dogs with 24-hour care.**

**On or about June 20, 2008, Hubka got off duty after working an over-night shift and returned to his home in Alpine, California, with Forrest in the back of his police vehicle.**

**On information and belief, Hubka parked his police vehicle in the driveway of his Alpine residence and went into the residence, leaving Forrest in said vehicle with the windows of the vehicle rolled up. (MORE)**

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**In the several hours after he returned home Hubka recklessly and/or negligently failed to let Forrest out of his police vehicle or to otherwise check on Forrest's condition.**

**Forrest was left unattended in Hubka's police vehicle for an unknown number of hours. During the time Forrest was so unattended the ambient external air temperature outside the police vehicle exceeded 100 degrees Fahrenheit with the interior temperature of the police vehicle at least several degrees hotter.**

**As a direct and proximate consequence of these reckless and/or negligent acts or omissions on the part of Hubka, Forrest died of heat stroke.**

**To view the civil complaint, visit [www.sandiegocityattorney.org](http://www.sandiegocityattorney.org), click "Significant Reports and Legal Documents."**

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